purpose of the written description requirement is to insure that the applicant had possession of the concept of the claimed subject matter at the time of filing of the application. *Id.* at 1562 *citing* In re Smith and Hubin, 481 F.2d 910, 914 (CCPA 1973). To satisfy the written description requirement, the disclosure "does not have to describe exactly the subject matter claimed." *Id.* at 1564. The test for determining whether an application meets the written description requirement of 35 U.S.C. §112, first paragraph is "whether the disclosure of the application relied upon reasonably conveys to a person skilled in the art that the inventor had possession of the claimed subject matter at the time of the filing date." Eiselstein v. Frank, 52 F.3d 1035, 1039 (Fed. Cir. 1995). In showing that one of ordinary skill in the art would recognize the claimed subject matter in the disclosure, the applicant may rely upon the subject matter disclosed in the specification, the drawings, and the originally filed claims. *See generally*, Vas-Cath Inc., 935 F.2d at 1565, and In re Gardner, 178 USPQ 149 (CCPA 1973).

In rejecting claims 1-12 for failing to meet the written description requirement of 35 U.S.C. §112, first paragraph, the Office Action states that the "[a]pplicant cannot rely on the figures as the figures are not to scale." The M.P.E.P. only addresses proportions in drawings when discussing the teachings of a prior art reference by stating "[w]hen the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurements of the drawing features are of little value." M.P.E.P. §2125

citing Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 956 (Fed. Cir. 2000).

The M.P.E.P. is silent as to proportions in figures of an applicant's disclosure for the purposes of meeting the written description requirement of 35 U.S.C. §112, first paragraph. The M.P.E.P., however, states that an applicant may show possession of the claimed invention by disclosure in the drawings. M.P.E.P. §2163(II)(A)(3)(a) *citing* Vas-Cath Inc., 935 F.2d at 1565. The drawings of the present invention, particularly, Fig. 2, clearly show that the distance between the first and second sides 20 and 22 of the second suspension member 14 is such that imaginary lines extending from diametrically opposite portion of the first and second frustoconical surfaces intersect within the through-hole. The drawings also clearly show that imaginary lines extending from diametrically opposite portion of the third and fourth frustoconical surfaces, when in engagement with the first and second frustoconical surfaces, respectively, intersect within the through-hole. Thus, the disclosure of the present invention supports these features of claim 1 and the written description rejection of claims 1-12 is improper.

Moreover, Figs. 1 and 2 of the application are drawn to scale. Attached to this amendment is a drawing that was completed prior to the filing of the present application and that was included in the invention disclosure submitted by the Applicant. A comparison of the attached drawing and Figs. 1 and 2 of the present application shows that the relative relationship of the angles of the frustoconical surfaces and

the thickness of the second suspension member in Figs. 1 and 2 is accurate and in proportion to similar structures in the drawing. Since Figs. 1 and 2 are drawn to scale and disclose each feature of claim 1, it is respectfully suggested that the written description rejection of claims 1-12 is improper and should be withdrawn.

B. Obviousness Rejection of claims 1-12.

Claims 1-8 and 10-12 stand rejected as being obvious under 35 U.S.C. §103 over Stroh, U.S. Patent No. 6,257,795, in view of Sommerer, U.S. Patent No. 5,062,655, and Greubel et al., U.S. Patent No. 6,416,135. Claim 9 stands rejected as being obvious over Stroh in view of Sommerer and Greubel et al. and further in view of Paxdirek et al., U.S. Patent No. 6,505,989. These rejections are respectfully traversed.

Claim 1 patentably defines over Stroh, Sommerer, and Greubel et al., whether taken singularly or in combination, for at least the following reasons:

1. None of Stroh, Sommerer, and Greubel et al. teaches or suggests a second suspension member having a through-hole with first and second frustoconical surfaces, as recited in claim 1.

Claim 1 recites that the first frustoconical surface is angled so that imaginary lines extending from diametrically opposite portions of the first frustoconical surface intersect at a first location within the through-hole and between the first and second side surfaces of the second suspension member. Claim 1 also recites that the second frustoconical surface is angled so that imaginary lines extending from

diametrically opposite portions of the second frustoconical surface intersect at a second location within the through-hole and between the first and second side surfaces of the second suspension member. None of Stroh, Sommerer, and Greubel et al. teaches or suggests a second suspension member having the first and second frustoconical surfaces with the features recited in claim 1.

As the Office Action recognizes, Fig. 3 of Stroh fails to teach or suggest frustoconical surfaces. Sommerer discloses first and second frustoconical surfaces (labeled B1 and B2 in the marked-up copy of Fig. 2 provided with the Office Action). Sommerer, however, fails to teach or suggest the features of the first and second frustoconical surfaces recited in claim 1. Particularly, Sommerer fails to teach or suggest that the frustoconical surface labeled B1 in the marked-up copy of Fig. 2 is angled so that imaginary lines extending from diametrically opposite portions of the frustoconical surface B1 intersect at a location within the through-hole and between the first and second side surfaces of the second suspension member. With reference to Fig. 2 of Sommerer, imaginary lines extending from diametrically opposite portions of the frustoconical surface B1 intersect at a location outside of the through-hole in the ring 10. Greubel et al. also fails to teach the first and second frustoconical surfaces of claim 1. Since none of Stroh, Sommerer, and Greubel et al. teaches or suggests the first and second frustoconical surfaces of claim 1, a combination of Stroh, Sommerer, and Greubel et al. also fails to teach or suggest these features. Therefore, the

rejection of claim 1 as obvious over Stroh, Sommerer, and Greubel et al. is improper and should be withdrawn.

2. None of Stroh, Sommerer, and Greubel et al. teaches or suggests a stud having a second end portion with a third frustoconical surface, as recited in claim 1.

Claim 1 recites that the stud has a second end portion having a third frustoconical surface that is in engagement with the first frustoconical surface of the second suspension member. Claim 1 further recites that the third frustoconical surface is angled so that, when in engagement with the first frustoconical surface, imaginary lines extending from diametrically opposite portions of the third frustoconical surface intersect at a third location within the through-hole and between the first and second side surfaces of the second suspension member.

Neither Stroh nor Greubel et al. teaches or suggests a stud having a frustoconical surface for engaging a frustoconical surface of the second suspension member. Sommerer discloses a stud having a frustoconical surface (labeled B3 in the marked-up copy of Fig. 2 provided with the Office Action). Sommerer, however, fails to teach or suggest that the frustoconical surface B3 of the stud has the features of the third frustoconical surface of claim 1. Particularly, Sommerer fails to teach or suggest that the frustoconical surface labeled B3 in the marked-up copy of Fig. 2 is angled so that, when in engagement with the corresponding frustoconical surface B1 of the ring 10, imaginary lines extending from diametrically opposite portions of the

frustoconical surface B3 intersect at a location within the through-hole and between the first and second side surfaces of the second suspension member. With reference to Fig. 2 of Sommerer, imaginary lines extending from diametrically opposite portions of the frustoconical surface B3 intersect at a location outside of the through-hole in the ring 10. Since none of Stroh, Sommerer, and Greubel et al. teaches or suggests the third frustoconical surface of claim 1, a combination of Stroh, Sommerer, and Greubel et al. also fails to teach or suggest this feature of claim 1. Therefore, the rejection of claim 1 as obvious over Stroh, Sommerer, and Greubel et al. is improper and should be withdrawn.

3. **There is no teaching or suggestion in the references to modify the embodiment of Fig. 3 of Stroh to include frustoconical surfaces.**

In rejecting claim 1, the Examiner proposes to modify Fig. 3 of Stroh to include frustoconical surfaces "to mate or align parts together." In proposing to modify Fig. 3 of Stroh, the Examiner concludes that spherical and frustoconical surfaces are equivalent for providing the mating and aligning of parts. One of ordinary skill in the art will recognize this conclusion to be incorrect.

With reference to Fig. 3 of Stroh, one of ordinary skill in the art will recognize that in order for the shoulder 12 of the shank portion 10 to be received in the recess 13, the diameter of the recess 13 at the upper surface of the tie rod linkage 2 of Fig. 3 must be larger than the diameter of the shank portion. As a result, when the shank portion 10 and the

tie rod linkage 2 come together, the contact between the shoulder 12 and the recess 13 will be along a bottom surface of the recess 13 and a clamping force between the shank portion 10 and the tie rod 2 will be generally vertical, as viewed in Fig. 3 (normal to the contacting surfaces and in a direction parallel to a central axis of the shank portion).

When frustoconical surfaces are provided, as shown in Fig. 2 of Sommerer, contact between the surface of the stud and the surface of the ring 10 occurs at the angle of the frustoconical surfaces. Thus, a clamping force between the stud and the ring 10 will be directed radially relative to an axis of the stud. Since the direction of the clamping force provided by use of a spherical surface differs from the direction of the clamping force provided by use of a frustoconical surface, one of ordinary skill in the art will recognize that spherical and frustoconical surfaces are not equivalent and thus, are not interchangeable for providing the mating and aligning of parts, as is suggested in the Office Action. As a result, one of ordinary skill in the art would not be motivated to modify the embodiment of Fig. 3 of Stroh to include frustoconical surfaces. For this reason, the rejection of claim 1 is improper and should be withdrawn.

Moreover, Stroh teaches away from modifying Fig. 3 to include frustoconical surfaces. Fig. 4 of Stroh discloses an embodiment in which the tie rod 2 has a tapered (or frustoconical) recess 17 and the shank portion 10 has a tapered (or frustoconical) surface for mating of the shank portion 10 and the tie rod 2. Instead of looking elsewhere in

the art for ways to modify the embodiment of Fig. 3 of Stroh for providing a more precise mating of the shank portion 10 and the tie rod 2, one of ordinary skill in the art would simply look to the teachings of Fig. 4 of Stroh for providing a recess with a single tapered surface. Since one of ordinary skill in the art would not look outside of the teaching of Stroh for providing frustoconical surfaces on the recess and the shank portion of a stud, there is no motivation for the proposed modification of the embodiment of Fig. 3 of Stroh with the frustoconical surfaces of Sommerer and Greubel et al. Therefore, the rejection of claim 1 is improper and should be withdrawn.

Claims 5-12 depend from claim 1 and are allowable for at least the same reasons as claim 1. Additionally, claims 5-12 are allowable for the specific limitations of the claims.

Specifically, claim 7 recites that the third frustoconical surface extends at a first angle relative to a central axis of the stud. Claim 7 also recites that the fourth frustoconical surface, when the fastener is secured to the second end portion of the stud, also extends at the first angle. None of Stroh, Sommerer, and Greubel et al. teaches or suggests a frustoconical surface of the stud and a frustoconical surface of the fastener extending at the same angle relative to a central axis of the stud. Therefore, the rejection of claim 7 is improper and should be withdrawn.

Claim 2 patentably defines over Stroh, Sommerer, and Greubel et al. for reasons similar to those set forth with regard to claim 1. Additionally, claim 2 recites that the

third frustoconical surface of the stud and the first and second frustoconical surfaces of the second suspension member extend at the same angle, a first angle, relative to a central axis of the stud. None of Stroh, Sommerer, and Greubel et al. teaches or suggests a frustoconical surface of the stud and two frustoconical surfaces of a suspension member extending at the same angle relative to a central axis of the stud. Therefore, the rejection of claim 2 is improper and should be withdrawn.

Claims 3 and 4 depend from claim 2 and are allowable for at least the same reasons as claim 2.

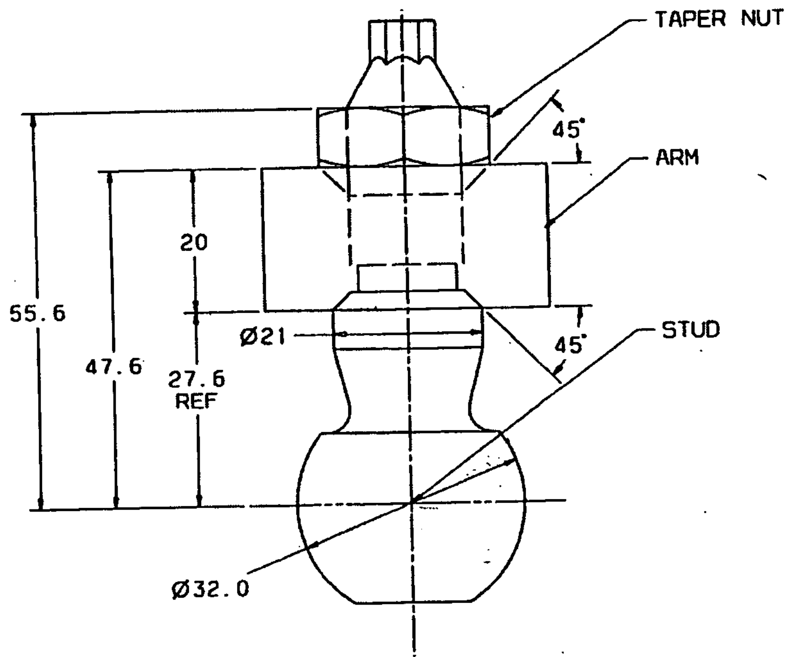
In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Daniel J. Whitman
Reg. No. 43,987

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294



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GEOMETRIC DRAWING SYMBOLS

- CIRCULAR RUNOUT
- TOTAL RUNOUT
- SYMMETRY
- ROUNDNESS
- ANGULARITY
- PARALLELISM
- CYLINDRICITY
- STRAIGHTNESS
- CONCENTRICITY
- FLATNESS
- TRUE POSITION
- PROFILE OF A LINE
- PERPENDICULARITY
- PROFILE OF A SURFACE
- Ⓛ LEAST MATERIAL CONDITION
- Ⓢ REGARDLESS OF FEATURE SIZE
- Ⓜ MAXIMUM MATERIAL CONDITION

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TRW
LINKAGE & SUSPENSION DIVISION
STERLING PLANT

CATIA

REF.

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S-PT	[redacted]	CHECKER DATE	APPROVAL DATE	RELEASE DATE	2:1

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